IN THE COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO.946 (M/S) OF 2006
(Interim Relief Application No. 9126 of 2006)

1. Shiv Shankar Yadav S/o Sri Bhagwan Deen Yadav
2. Ram Sanehi Yadav S/o Sri Bhagwan Deen Yadav
   Both R/o Pathak Niwas, Gandhi Colony,
   Bhowali District Nainital. ……..Petitioners

Versus

1. District Magistrate, Nainital.
2. Kamal Negi W/o Sri K.S. Negi
   Defaulter Tenant of one Room 13/10
   Eastern Side of Second Floor, Pathak Niwas
   Gandhi Colony Bhowali District Nainital. ……Respondents.

21.07.2006

Hon'ble Rajesh Tandon, J.

Heard Sri S.S. Yadav, in person for the petitioners and Standing Counsel for the respondent. no.1.

By the present writ petition, the petitioner has prayed for expeditious disposal of the proceedings of appeal no.52/11 of 2006 Kamal Negi Vs. Nagar Palika Bhowali, & others.

Briefly stated, petitioners have purchased a property, situate in ward n. 3 Gandhi Colony of 303 Sq.M. and sale deed was executed in their favour. After purchasing the property they have moved an application for mutation under section 143 of U.P. Municipalities Act and order of mutation has already been passed in their favour. Against the mutation order the respondent no.2 has filed objection which is pending before District Magistrate respondent no.1. Petitioner has submitted that respondent no. 2 has not been paid any single penny as rent to the petitioners and she is not ready to accept as a landlord to the petitioners.

According to the petitioner, respondent no.2 has no locus standi to raise any objection against the landlord/petitioners. Petitioners have further submitted that it is well settled that against

the order passed under section 143 by the Municipal Board, appeal lies under section 160 of U.P. Municipalities Act.

In view of the above, liberty is given to the petitioner to argue with regard to the maintainability of the appeal before the respondent no.1 who shall decide the same alongwith the appeal within a period of three weeks after the filing of the certified copy of the order.

Subject to the aforesaid, writ petition is disposed of. No order as to costs.

21.07.2006 **(Rajesh Tandon, J.)**

Jain